



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 23, 1995

Mr. Randall L. Patterson  
City Attorney  
City of Brenham  
P.O. Box 1059  
Brenham, Texas 77834-1059

OR95-458

Dear Mr. Patterson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33957.

The City of Brenham (the "city") received an open records request for a complete listing of all of the cellular telephone numbers assigned to or used by the city's police department and to whom the numbers are assigned if applicable. You contend that this information is excepted from required public disclosure by section 552.108 of the Government Code.

Section 552.108 provides that:

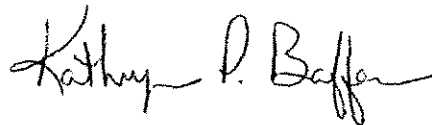
- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, and prosecution of crime is excepted from [required public disclosure].
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

Section 552.108 excepts certain records of law enforcement agencies whose primary function is to investigate crimes and enforce criminal laws. Open Records Decision Nos. 493 (1988) at 2, 287 (1981) at 2. In Open Records Decision No. 506 (1988) at 2, this office held that the cellular telephone numbers assigned to county officials and employees with specific law enforcement responsibilities are excepted from required disclosure by section 552.108 of the Government Code.

In accordance with our decision in Open Records Decision No. 506 (1988), and pursuant to section 552.108, we conclude that you may withhold only the telephone numbers assigned to members of the police department with specific law enforcement responsibilities. If any cellular telephone numbers are assigned or used by police department employees who do not have specific law enforcement responsibilities, these numbers are not excepted from required disclosure and must be released to the requestor. Open Records Decision No. 506 (1988).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes  
Assistant Attorney General  
Open Government Section

KPB/KHG/rho

Ref.: ID# 33957

cc: KULF Radio  
306 East Main  
Brenham, Texas 77833